

REMARKS

Summary

Claims 1-4 and 9-48 stand in this application. Claims 5-8 have been canceled without prejudice. Claim 1 has been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claim 1 in order to facilitate prosecution on the merits.

Allowable Subject Matter

Applicant would like to thank the Examiner for indicating the allowability of claims 21-48. Applicant would also like to thank the Examiner for indicating the allowability of claims 8 and 20 if amended to include all of the limitations of the base claims and any intervening claims. Applicant respectfully submits that dependent claims 7 and 8 have been canceled and their subject matter has been incorporated into amended independent claim 1. Therefore, Applicant submits that claim 1, and all claims depending directly or indirectly therefrom, are in condition for allowance.

Claim Rejections - 35 U.S.C. § 102

Claims 1-4, 7, 11-13 and 16-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent Publication No. 2002/0071497 to Bengtsson et al. ("Bengtsson"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

As recited above, dependent claims 7 and 8 have been canceled and their subject matter has been incorporated into amended independent claim 1. Furthermore, claim 8 has been indicated as allowable at least on page 7 of the Office Action. Therefore, Applicant submits that amended independent claim 1 defines over Bengtsson and is in condition for allowance. Accordingly, Applicant respectfully requests removal of the

anticipation rejection with respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 2-4, 11-13 and 16-19, which depend from claim 1 and, therefore, contain additional features that further distinguish these claims from Bengtsson.

Claim Rejections - 35 U.S.C. § 103

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bengtsson. Claims 10, 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bengtsson in view of United States Patent No. 5,974,041 to Kornfeld et al. ("Kornfeld"). Applicant respectfully traverses the rejections, and requests reconsideration and withdrawal of the obviousness rejections.

As recited above, claim 1 has been amended to define over Bengtsson. Applicant submits that Kornfeld fails to remedy the deficiencies of Bengtsson. Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. Accordingly, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 9, 10, 14 and 15 that depend from claim 1, and therefore contain additional features that further distinguish these claims from the cited references.

Conclusion

It is believed that claims 1-4 and 9-48 are in condition for allowance. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the limitations of the independent claims and dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the claims from the cited references, taken alone or in combination, based on additional features contained in the independent or dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the credit card in the previously filed credit card authorization form.

Respectfully submitted,
KACVINSKY LLC

/Andrew H. Aurand/

Andrew H. Aurand, Reg. No. 61,875
Under 37 CFR 1.34(a)

Dated: May 27, 2009

Tyco Technology Resources
4550 New Linden Hill Road, Suite 140
Wilmington, DE 19808-2952